



Attorney Docket: 081069-0305614
Client Reference: 38REG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 2735

HOFFMAN ET AL.

Application No.: 10/761,220

Group Art Unit: 3754

Filed: January 22, 2004

Examiner: C. BLAKE

Title: GRAFTING DISPENSER AND DISPENSER SYSTEM

August 16, 2005

RESPONSE TO RESTRICTION REQUIREMENT
AND ELECTION OF SPECIES

Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement set forth in the Official Action of August 5, 2005, the Applicants elect the claims of Group II (claims 13-18) for prosecution.

In response to the Election of Species, the Applicants respectfully traverse. Elected independent claim 13 is directed to making different types of dispensers, including, at the least, dispensers using the claimed "first type of supply substrate" with "relatively thin articles" (as shown in Fig. 10), and dispensers using the claimed thicker "second type of supply substrate" (as shown in Fig. 11). It is impractical for the Applicants to elect between these species when the claims are directed to a modular approach for making both species (and possibly others).

As such, the Applicants cannot, as a practical matter, elect a single species because the broadest claim is directed to making multiple species using a modular approach. To the extend the Applicants are required to make an election between these species, the Applicants elect the species of Figs. 10 and 11. Although the Examiner identified Figs. 10 and 11 as separate species, a further election cannot be made for the reason advanced above. Claims 14, 15 and 16 read on these species.

HOFFMAN ET AL. -- 10/761,220
Client/Matter: 081069-0305614

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

A handwritten signature in black ink, appearing to read "Bryan F. Collins", with a long horizontal flourish extending to the right.

BRYAN F. COLLINS
Reg. No. 43560
Tel. No. 703.905.2038
Fax No. 703.905.2500

BPC/smm
P.O. Box 10500
McLean, VA 22102
(703) 905-2000